



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 18-492  
May 14, 2018

**DOMESTIC SECTION 214 APPLICATION FILED FOR  
THE TRANSFER OF CONTROL OF  
MONTROSE MUTUAL TELEPHONE COMPANY AND  
MONTROSE MUTUAL LONG DISTANCE, INC.  
TO WABASH INDEPENDENT NETWORKS, INC.**

**NON-STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 18-128**

**Comments Due: May 29, 2018**

**Reply Comments Due: June 5, 2018**

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by the shareholders of Respond Communications, Inc. (Respond) and Wabash Independent Networks, Inc. (WIN) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting consent to the transfer of control of Respond and its wholly owned subsidiaries, Montrose Mutual Telephone Company (MMTC) and Montrose Mutual Long Distance, Inc. (MMLD), to WIN.<sup>1</sup>

Respond, an Illinois corporation, does not provide telecommunications services itself but is a holding company that wholly owns MMTC and MMLD, both also Illinois corporations. MMTC provides service as a rural incumbent local exchange carrier (LEC) to four exchanges in Effingham, Jasper, and Cumberland Counties, Illinois. MMLD provides domestic interexchange services in and around MMTC's service territory to approximately 866 subscribers.

WIN, an Illinois corporation, provides competitive LEC services to approximately 3,801 subscribers in and around Flora, Fairfield, and Salem, Illinois. WIN is a wholly owned by Wabash Telephone Cooperative, Inc. (Wabash), an Illinois corporation, that provides service to approximately 146 business and 402 residential access lines as a rural incumbent LEC in nine exchanges in Clay, Wayne, Effingham, Jasper, Marion, Edwards, Wabash, and Richland Counties, Illinois. Applicants state that the incumbent LEC service area of Wabash is adjacent to the incumbent LEC service area of MMTC.

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<sup>1</sup> See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with international and wireless services. Any action on the domestic section 214 applications is without prejudice to Commission action on other related, pending applications. Applicants filed supplements to their domestic section 214 application on May 8 and May 14, 2018.

Applicants further explain that WIN does not currently provide competitive LEC services to retail customers in the territory of MMTC and MMLD but markets retail service in that territory and provides certain transport service there. Applicants state that Wabash is a cooperative corporation that is owned by its member-subscribers and that no single member owns or controls more than five percent of the equity interests of Wabash.

Pursuant to the terms of the proposed transaction, WIN will acquire all the stock of Respond and will directly wholly own Respond and indirectly wholly own MMTC and MMLD. Applicants assert that a grant of the application will serve the public interest, convenience, and necessity. Because Applicants have adjacent and overlapping service areas, this application is not entitled to presumptive streamlined treatment under the Commission's rules.<sup>2</sup>

Domestic Section 214 Application Filed for the Transfer of Control of  
Montrose Mutual Telephone Company and Montrose Mutual Long Distance, Inc. to Wabash  
Independent Networks, Inc., WC Docket No. 18-128 (filed Apr. 30, 2018).

### **GENERAL INFORMATION**

The application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments and petitions **on or before May 29, 2018**, and reply comments or oppositions to petitions **on or before June 5, 2018**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Electronic Filers: Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
  - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC, 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. All envelopes and boxes must be disposed of before entering the building.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD, 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC, 20554.

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<sup>2</sup> 47 CFR §§ 63.03(b)(2)(ii) and (iii).

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

**In addition, please provide one copy of each pleading to each of the following:**

- 1) Jim Bird, Office of General Counsel, [transactionteam@fcc.gov](mailto:transactionteam@fcc.gov);
- 2) Gregory Kwan, Wireline Competition Bureau, [gregory.kwan@fcc.gov](mailto:gregory.kwan@fcc.gov);
- 3) Tracey Wilson, Wireline Competition Bureau, [tracey.wilson@fcc.gov](mailto:tracey.wilson@fcc.gov);
- 4) David Krech, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov);
- 5) Sumita Mukhoty, International Bureau, [sumita.mukhoty@fcc.gov](mailto:sumita.mukhoty@fcc.gov).

The proceeding in this Notice shall be treated as a permit-but-disclose proceeding in accordance with the Commission's *ex parte* rules.<sup>3</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, then the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the Applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.<sup>4</sup> A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Tracey Wilson at (202) 418-1394 or Gregory Kwan at (202) 418-1191.

- FCC

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<sup>3</sup> 47 CFR § 1.1200 *et seq.*

<sup>4</sup> *See* 47 CFR § 1.45(c).